



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,329	08/28/2003	Jeff Hodson	6065-85071	7836
24628	7590	09/17/2008		
Husch Blackwell Sanders, LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 09/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/651,329	Applicant(s) HODSON ET AL.	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to an RCE amendment filed 06/27/2008. No claims have been added. No claims have been canceled. Claims 2-6, 8, 11-14, 16 and 24 have been amended. Claims 1-25 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 11-15 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Beck (US PAT # 6,108,711) in view of Holland (PG Pub. No.: 2003/0101151).

Regarding claims 1, 11 and 21, Beck teaches a method of guiding a conversation taking place between a client (customer a and b as shown in Fig. 2) and an agent (agent a and b as shown in Fig. 2) through a communication system such as the network shown in Figs. 1-2), such method comprising: detecting an information content of the conversation (col. 4, lines 54-67); determining a goal of the client from the detected information content (this simply reads on the what does the client desire or the purpose of the call); and suggesting a subject matter to the agent to guide the conversation towards the goal of the client (see col. 12, lines 18-21).

Beck does not specifically teach determining a conversational goal and suggesting a subject matter and responses based upon the detected information... etc.

However, Holland, specifically teaches an intelligent software program that can produces solution to problems presented by a user [see 0094, 0146, 0249, 0719]. Thus, the claimed feature of "determining a conversational goal" may read on the recognizing the user problem and claimed feature of "suggesting a subject matter or responses based upon the detected information ... etc." may read on the provided solution.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the software that determines a conversational goal (such as a problem presented by the user) and the responses that are related to that goal (such as the solutions), as taught by Holland, into the Beck system's in order to enhance the system's efficiency by providing an efficient and extended customer service to the callers. Having a software that suggests or generate responses based on customer's desire it will add speed and convenient to the agent when he/she is handling a call.

Claims 2 and 12 limitations are obvious and well known in the art. This basically reads on finding client's preferences based on certain words spoken by the client.

Claims 3 and 13 are obvious and well known in the art.

Regarding claim 15, Beck teaches recognizing a voice content of a conversation between the client and the agent (see col. 7, lines 48-65).

Regarding claim 22, Beck teaches determining an identity of the client from the detected information content (see col. 1, lines 57-67).

Regarding claim 23, Beck teaches retrieving contact information based upon the determined identity of the client (see col. 4, lines 65-67 and col. 2, lines 1-4).

4. Claims 4-10, 14, 16-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. in view of Holland and further in view of Bohacek et al. (US PAT # 6,411,687).

Regarding claims 6 and 16, the combination of Beck in view of Holland does not specifically teach performing stress analysis on a voice of a client.

However, Bohacek teaches a speech recognition device that detects high stress or annoyed callers (see abstract of the invention and col. 1, lines 45-52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of analyzing and detecting the high stressed voice of a caller, as taught by Bohacek, into the combination of Beck in view of Holland in order to provide an enhanced and efficient services to the callers by maintaining happier and satisfied clients/callers. For “modifying suggested responses in response ...etc.” see Bohacek col. 3, lines 60-67 through col. 4, lines 1-8

Regarding claims 4 and 14 see Bohacek col. 1, lines 45-46 and lines 61-67 and col. 2, lines 2-53.

Art Unit: 2614

For claims 5 and 24 limitations see Bohacek col. 1, lines 61-67 and col. 3, lines 60-67 through col. 4, lines 1-8

Claims 7 and 25 limitations are obvious and well known in the art.

Regarding claim 17, Bohacek teaches measuring a voice pitch of the voice of the client (see col. 3, lines 55-59).

Regarding claims 8 and 18, Bohacek teaches measuring a word rate of the voice of the client (this preformed by word analyzer 44, see col. 3, lines 7-54 and Fig. 4).

Claims 9-10 and 19-20 recite displaying a text message on a terminal used by the agent. Beck teaches an agent work station that is equipped with a PC capable of handling different multimedia. Thus displaying the suggestion either by text or in the form of an audible message is obvious if not inherent in the Beck system.

Response to Arguments

5. Applicant's arguments have been considered and have been found not persuasive.

Applicant argues (Pages 7-8 of the Remarks) "neither reference teaches the claimed determining a conversational goal or suggesting subject matter or responses..."

The Examiner respectfully disagrees, because determining the conversational goal is

Art Unit: 2614

nothing but recognizing the user problem and claimed feature of "suggesting a subject matter or responses based upon the detected information ... etc." simply reads on providing solution. These limitations are already taught by Beck and Holland.

Regarding Applicant's argument (Page 9 of the Remark) "monitoring the conversation between the agent and the client to detect changed goals and/or emotional". The Examiner respectfully disagrees for the following reasons: first. The monitoring limitation is inherent if not obvious in the Bohacek reference. Without monitoring the conversation between the caller and the agent certain behaviors, stress and mode changes will not be detected.

The Examiner believes that all other arguments are already addressed in the above rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elazar (US PAT # 6,542,602) teaches a monitoring condition that detects state of emotion threshold measured by emotion detecting means (see Fig. 20 and corresponding text).

Art Unit: 2614

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614